

REMARKS

In accordance with the foregoing, claims 1-2, 4-5, 11-12, and 14 are amended. Claim 3 is cancelled without prejudice or disclaimer.

No new matter is being presented, and approval and entry of the amended claims are respectfully requested.

Claims 1-2 and 4-15 are pending and under consideration. Reconsideration is respectfully requested.

ENTRY OF AMENDMENT UNDER 37 CFR §1.116

Applicant requests entry of this Rule 116 Response because it is believed that the amendment of claims 1-2, 4-5, 11-12, and 14 puts this application into condition for allowance and should not entail any further search by the Examiner since no new features are being added and no new issues are being raised.

Claims 1, 11, 12, and 14 are amended to replace the term --possibly--, as suggested by the Examiner.

Claim 1 is further amended to include the features of claim 3, cancelled herein without prejudice or disclaimer. Dependent claims 4 and 5 are amended accordingly.

Claim 2 is rewritten in independent form.

PAGE 9: ALLOWABLE SUBJECT MATTER

Claims 4 and 5 are indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant appreciates the indications of allowable subject matter. However, claims 4 and 5 are not rewritten to independent form, since patentability is submitted to reside in the independent claim 1 and from which claims 4 and 5 depend.

PAGE 2: REJECTION OF CLAIMS 1, 11, 12, AND 14

The Examiner rejects claims 1, 11, 12, and 14 under 35 U.S.C. 112 because the term --possibly-- "renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention."

Claims 1, 11, 12, and 14 are amended herein to replace the term --possibly-- and withdrawal of the rejection is requested.

PAGES 2-9: REJECTION OF CLAIMS 1-2 AND 6-15 UNDER 35 U.S.C. 103(a) AS BEING UNPATENTABLE OVER KUWAHARA (U.S.P. 6,202,072) IN VIEW OF COMBINATIONS OF NAKATSUYAMA (U.S.P. 5,752,021) AND FONG (U.S.P. 2002/008502)

The Examiner rejects claims 1-3 and 6-15 under 35 U.S.C. 103(a) as being unpatentable over Kuwahara (U.S.P. 6,202,072) in view of combinations of Nakatsuyama (U.S.P. 5,752,021) and Fong (U.S.P. 2002/008502).

Independent claims 1, 2, 11, 12, and 14 recite, respectively, a structural documentation system, a computer-readable storage, and a method, using claim 1 as an example, including "defining, for each of the elements, a condition of a pattern of a character string of plain text data as an extraction condition, and an identifier thereof; a retrieving module that refers to the extraction condition per element that is defined by the definition information read by said reading module, and that extracts a region coincident with the per-element extraction condition referred to out of the processing target electronic document; and a structured document generating module that combines the regions extracted with respect to the respective elements by said retrieving module in accordance with the correlation between the elements that is defined by the definition information, and that generates the structured document by adding to each region an identifier defined by the definition information, wherein said correlation between the elements defined by the definition information takes a hierarchical structure in which one element in a higher-order hierarchy embraces a plurality of elements in a lower-order hierarchy, said retrieving module extracts regions coincident with respective extraction conditions of the elements in the lower-order hierarchy out of a region extracted with reference to an extraction condition of the element in its higher-order hierarchy, and said structured document generating module adds tags in front and rear of the region extracted by said retrieving module with respect to the element embracing no element in lower-order hierarchy, and adds the tags for an element embracing elements in lower-order hierarchy in front and rear of a region formed by combining together the regions each extracted by said retrieving module with respect to all the elements in the lower-order hierarchy. "

Applicant submits that *prima facie* obviousness is not established since the cited art, alone or in combination, does not teach features recited in each of the independent claims, in the lines cited by the Examiner, or anywhere else.

As provided in MPEP §2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F. 2d 1981, (CCPA 1974).

For example, the Examiner mistakenly contends that Kuwahara teaches extracting "a region coincident with the per-element extraction condition referred to out of the processing target electronic document" citing col. 5, lines 20-30, col. 6, lines 11-27; and FIGS. 2, 5, and 7. (Action at pages 2, 4, 5).

However, Applicant submits that Kuwahara merely teaches a correlation of files with each other.

Further, none of the cited art, alone or in combination, teaches a "retrieving module that refers to the extraction condition per element that is defined by the definition information read by said reading module, and that extracts a region coincident with the per-element extraction condition referred to out of the processing target electronic document." That is, according to an aspect of the present invention, a retrieving module extracts only a region coincident with the per element extraction condition within one document, e.g., plain text data.

The Action concedes that Kuwahara does not teach this feature. However, the Examiner mistakenly contends that :

Nakatsuyama teaches "a condition of a pattern of character string possibly contained in the plain text data as" (col. 3, lines 20-25, i.e., retrieval conditions on the basis of the retrieval formula for defining the structure of the document data, lines 13-15).

Rather, Nakatsugawa merely teaches reading out of a whole of a target document as a result of retrieving (step 24) based on the input retrieval formula.

As another example, the Action concedes that Kuwahara in view of Nakatsuyama does not teach "correlation between the elements defined by the definition information takes a hierarchical structure in which one element in a higher-order hierarchy embraces a plurality of elements in a lower-order hierarchy, said retrieving module extracts regions coincident with respective extraction conditions of the elements in the lower-order hierarchy out of a region extracted with reference to an extraction condition of the element in its higher-order hierarchy."

However, the Examiner mistakenly contends that Fong teaches this feature and how to convert a plain text document into a structural document having a hierarchical structure.

Rather, Applicant submits that Fong merely teaches a description of a hierarchical structure.

Applicant further submits there is no reasonable expectation of success to combine the art in the manner the Examiner suggests. The Examiner mistakenly contends it would have been obvious:

to modify Kuwahara to include retrieval conditions on the basis of the retrieval formula for defining the structure of document data as taught by Nakatsuyama, providing the benefit of a document retrieving means to perform retrieval using semantic description and the schema relating to the first schema and directed to the first retrieval and converts the first formula to a second formula

(Action at page 3).

However, Applicant submits that Kuwahara's reaching of a correlation by comparison of comments (see, for example, col. 5, lines 6--65) teaches away from a reasonable chance of success of combining the art in a manner as the Examiner suggests.

CONCLUSION

Since features recited claims 1-3 and 6-15 are not taught by the cited art, alone or in combination, and there is no reasonable chance of success to combine the art, in a manner as the Examiner suggests, the rejection should be withdrawn and claims 1-2 and 6-15 allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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